

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 6055 of 2007

ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a writ of Habeas Corpus alleging that respondent No.4 herein is illegally detained in Rescue Home of which the 2nd respondent herein is the Superintendent and therefore to direct the respondents to produce the alleged detenu by name Yamini and to set her at liberty.

The case of the petitioner is that he married respondent No.4 Yamini on 15.9.2006 at Rameswara Temple in Shadnagar and it is a love marriage. But, the respondent No.1 who is the maternal uncle of respondent No.4 filed a criminal case against him and the same was registered as Cr.No. 287 of 2006 of Asifnagar Police Station under Section 363 IPC. The respondent No.4 gave a statement before the Court below that she married him on 15.9.2006 and expressed her desire to live with the petitioner, but the respondent No.4 was sent to stay at Rescue Home as she was a minor. Subsequently on 4.3.2007 she attained majority and therefore her detention in Rescue Home is illegal and therefore she may be released from the Rescue Home, Nimboliadda, Hyderabad.

On 26.3.2007 this Court issued notices to the respondents and on 2.4.2007 this Court directed respondent No.2 to produce respondent No.4 Yamini. As directed, today the said Yamini is produced before this Court. When questioned by this Court, the said Yamini stated that she married the petitioner on 15.9.2006 at

Rameshwaram, Shadnagar and that she attained majority and she wants to live with the petitioner.

As could be seen from the material available before this Court and as per the statement given by respondent No.4, now the respondent No.4 attained majority. In view of the same and in view of the fact that she expressed her willingness to go along with the petitioner, without going into the merits of the case we are of the considered view that the respondent No.4 can be set at liberty. Accordingly the respondent No.4 Yamini is released from the Rescue Home and she is set at liberty.

The writ petition is disposed of accordingly.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 05-04-2007.

MVB.